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SUMMARY RECORD OF THE 385th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 28 May 1997, at 3 p.m.

Chairperson: Miss MASON

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The meeting was called to order at 3.25 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of Paraguay (CRC/C/3/Add.22; CRC/C/3/Add.47)

1. At the invitation of the Chairperson, Mrs. Muñoz, Mr. Gimenez Cabral, Mr. Loizaga, Mrs. Ortiz Carrizosa and Mr. Ugalde (Paraguay) took their places at the Committee table.

2. The CHAIRPERSON welcomed the Paraguayan delegation and invited it to introduce the initial report of Paraguay (CRC/C/3/Add.22 and CRC/C/3/Add.47).

3. Mrs. MUÑOZ (Paraguay) stated that the question of the rights of the child was of concern to the entire country, from the executive, legislative and judicial bodies and the non-governmental organizations (NGOs) to the general public, all of which interests were represented on the inter-institutional commission that had prepared the report of Paraguay to the Committee. A National Plan of Action for Children had been drawn up in accordance with the commitments made by Paraguay to the international community. The basic objective of that Plan was to ensure the survival, protection and development of child and mother and the Plan was being implemented by means of a comprehensive set of programmes which had the following aims: to reduce infant and maternal morbidity and mortality and malnutrition, promote access to drinking water and health services, ensure regular attendance at primary school by all children, reduce the illiteracy rate among adults and protect children in particularly difficult situations. Coordination of the many activities thus initiated had been entrusted to a multidisciplinary committee that included representatives of the ministries directly concerned, such as the Ministry of Education and Worship, or indirectly concerned, such as the Ministry of Agriculture, and of various bodies such as the Technical Planning Secretariat, the Secretariat for Women's Matters, the Office of the First Lady, the Catholic Church and the NGOs. The decentralization of services for children had already started, with the establishment of more than 20 municipal councils on the rights of the child and adolescent, and that process was being continued, with financial aid from UNICEF in particular, while regional and local committees were implementing the National Plan of Action even in the most remote areas of the country.

4. In the social field, activities had been entrusted to the Secretariat for Social Action, which was endeavouring to use the resources acquired through external cooperation in the best interests of the most vulnerable groups of society. Already in progress were the National Plan of Action for Children, the programme for the comprehensive protection of street children and adolescents and the programme of social investment for vulnerable and extremely poor populations, including children at risk and indigenous children. The Secretariat for Women's Matters had drawn up a national plan for equality of opportunity for women, one objective of which was to improve the situation of girls.

5. With regard to legislation, a number of basic texts had been adopted and others would be adopted shortly. She referred first of all to the Children's and Young Persons' Code, which defined the rights and duties of the child and

set forth the desired measures for the proper development of the child. Those measures were in accordance with the Convention, in particular with the precepts stated in articles 8, 20, 21, 24, 28, 32 and 37.

6. She dealt at length with the question of adoption by foreigners. A bill on the subject was currently before Parliament, but pending its approval all procedures for adoption by foreigners had been suspended. The bill stipulated that adoption by foreigners should be confined to countries that had ratified the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, that the child should enjoy all the rights of an adopted child in the country of residence of the adoptive parent and that a person resident abroad should be authorized to adopt a child only if it had been confirmed by the court that no Paraguayan family had applied. Furthermore, an adoption centre funded by the Attorney-General's Office would be the central administrative authority for adoption. She emphasized that all those measures would become fully effective only when all those concerned were fully aware of them.

7. A bill on conscientious objection, which was a major talking point among the general public, was being studied within the more general framework of the armed forces recruitment system. It defined a conscientious objector as someone who refused compulsory military service on ethical and religious grounds and provided for alternative service for a maximum of 12 months in a civilian setting, for example in teaching, the hospital sector, charitable works or in the community. A national council on conscientious objection, which would include the ombudsman, a representative of the Ministry of Education and Worship and a representative of the Attorney-General, would be responsible for implementing the law.

8. Turning to education, she stressed that reform in that area was an essential concern of the Government. The reform launched four years previously aimed to improve the quality and efficiency of education, to make it available to all and to combat educational dropout and the repetition of school years. Between 1900 and 1995 the number of primary teachers had risen from 600 to 3,200 and the number of teacher-training centres from 20 to 31, but it was still difficult to cope with demand, which was rising faster than supply.

9. The educational reform took into account bilingualism, which presented complex problems, and the need to combat illiteracy. For the latter task there were already 18 public or private institutions which constituted a genuine network. Finally, the rights of the child were included in the school curriculum and comprehensive educational material had been prepared for that purpose by NGOs and the Ministry of Education and Worship, in both Spanish and Guarani.

10. Health was another major subject of concern for Paraguay: the maternal mortality rate was 200 deaths per 100,000 live births and the child mortality rate was 24.3 per 1,000 children under five. Those high mortality rates were accounted for by certain types of cultural behaviour in regard to procreation, together with poverty and the lack of education which meant ignorance of family planning methods. Antenatal protection was the responsibility of the public health centres, where 42 per cent of deliveries took place. An effort

was being made to extend that coverage. Moreover, various bodies endeavouring to coordinate the work of the State services and the NGOs were dealing specifically with the problems of adolescent pregnancy, AIDS, abortion, maternal and infant mortality and inequality between the sexes. Generally speaking, the health sector was organized on a national basis and since 1996 a national health system had been entrusted with the equitable distribution of resources throughout the country and the promotion of collaboration by all institutions concerned. Nevertheless, decentralization was taking place and the local governments of the departments had increased responsibilities for health, particularly child health. She then outlined to the Committee the objectives and budgets of five projects or programmes dealing respectively with maternal health and the comprehensive development of the child, primary health care, technological strengthening of basic health services, strengthening of community health in rural areas and prevention of the use of psychoactive substances.

11. With regard to the judicial system, one of the reforms most sorely needed by the country, reform of the judiciary, had been completed. The country currently had 29 juvenile courts, some of which ruled on matters of guardianship, the others on correctional matters. The capital was therefore no longer the only city that had judicial bodies responsible specifically for children.

12. She concluded by admitting that much remained to be done. The texts of the projects, plans and programmes she had mentioned were available to the Committee on request.

13. Mr. GIMENEZ CABRAL (Paraguay) stated that 239 minors were detained in the Panchito López Institute for the Re-education of Minors, of whom 233 were in pre-trial detention and only 6 had been sentenced. The very low proportion of sentenced young offenders was obviously due to the slowness of judicial procedures. Consequently, the Department of Procedural Guarantees of the Attorney-General's Office had endeavoured, in cooperation with the members of the criminal division of the Supreme Court of Justice, to change that situation and 49 minors had been set at liberty in the previous April. The Panchito López Institute had recently been modernized with public funding, despite the country's difficult economic situation. Rooms had been built for sports and leisure activities and a particular effort was being made to improve the food of young offenders. Moreover, the Esperanza (Hope) Foundation, a private non-profit-making establishment, had undertaken to build an institute for minors. By law, however, minors could not remain in that type of establishment for more than one month, so there was very little time to teach them a trade. The NGO Finpar (Institute for the Comprehensive Training of Minors of Paraguay), which was concerned with young offenders, was planning to build a re-education institute and had requested State aid for that purpose. Parliament had not yet reached a decision on the matter. Finally, with regard to child labour, Paraguay had participated in the Ibero-American tripartite meeting in Cartagena (Columbia) and had signed an agreement whereby it undertook to take steps to combat child labour.

14. Mrs. ORTIZ CARRIZOSA (Paraguay) added that the Secretariat for Social Action coordinated the work of the governmental bodies and NGOs dealing with social matters, including assistance to children. The Secretariat had at its

disposal resources provided by the Inter-American Development Bank and the European Union, which had allocated US$ 8 million and US$ 16 million respectively to a programme for children and adolescents working in the streets. It supported all activities aimed at promoting the rights of the child and was to launch a nationwide campaign on the occasion of the Week for the Rights of the Child. It was making a special effort to facilitate the access of street children to education.

15. Mrs. SARDENBERG noted that considerable progress in child welfare had been achieved in Paraguay since 1994. Nevertheless, poverty, difficult access to services, the poor quality of those services and the fact that Paraguay had for a long time been under a dictatorship were still impeding the full implementation of the Convention and the exercise of the rights of the child.

16. On the matter of decentralization, she asked how many communes had a regional committee and whether civil society and the Government were equally represented on such committees. She noted that some aspects of the draft code on children and young persons were positive, but that some of its provisions were not in conformity with the Convention: were efforts being made to bring the national legislation into line with the Convention?

17. She welcomed the Government's spirit of openness towards the NGOs that were playing an increasingly important role in protecting the rights of the child. She asked what was the distinction between the Permanent Forum for the Rights of the Child, which was made up of governmental and non-governmental bodies, and the Coordinating Office for the Rights of Children and Young Persons, which involved only NGOs. Finally, she requested further information on the situation of indigenous children, children under arrest and children whose parents authorized their recruitment into the armed forces.

18. Mrs. MUÑOZ (Paraguay) stated that the reform in Paraguay had initially been economic and political. Social reform had come later and the Government was determined to continue its efforts in that area. The National Plan of Action for Children contained precise objectives concerning health, education and the control of violence by the year 2000, as recommended at the World Summit for Children and at regional meetings on childhood. The Government was currently making a special effort to improve access to the courts and to guarantee the independence of the judiciary. Furthermore, a new law on education was in the process of adoption. It laid stress in school curricula on human rights, democracy and equity. The results of the implementation of the new law would be felt only in the longer term, but already teachers were displaying a more open-minded attitude, which was essential if the educational reform was to benefit all communities. She stressed that the Secretariat for Social Action was responsible for coordinating the activities of the NGOs on behalf of children. If Paraguay had not yet ratified the Hague Convention on Intercountry Adoption, that was because it was aware of the need to set up a coordination mechanism at the national level in order to be fully able to implement that Convention. Similarly, the Government was combining efforts with the Senate Legislative Commission in order to define a coordinating body that would supervise the implementation of the forthcoming Children's and Young Persons' Code. She stressed that, under the 1992 Constitution, the

President no longer governed by decree but followed the customary legislative procedures. That process was admittedly slower, but it avoided the risk of reverting to the habits of the past.

19. The Permanent Forum for the Rights of the Child and the Coordinating Office for the Rights of Children and Young Persons were independent investigation and study organizations, which also engaged in action. The Permanent Forum had been set up to prepare the draft Children's and Young Persons' Code. The public authorities worked more closely with the Coordinating Office, which formed part of the group monitoring the draft Code, which was still being considered by Parliament. The Coordinating Office, in collaboration with the Directorate for the Protection of Juveniles, which came under the Ministry of Justice, ensured that legislation was in line with the Convention.

20. Mr. FULCI noted from the report and from the Government's replies that 40 per cent of Paraguayan children spoke only Guaraní at home, which prevented them from acquiring higher education. He felt that was a serious form of discrimination and asked whether the Government was taking any steps to combat it. He asked for additional information on street children, who often suffered from malnutrition and disease and had no access to education. Moreover, what was the situation of young girls employed as domestic workers? Did they attend school? Finally, was it true that despite the measures taken by the Government many children under 17 years of age were forced to enlist in the armed forces?

21. Mrs. MUÑOZ (Paraguay) stated that Guaraní and Spanish were each spoken by 80 per cent of the population of Paraguay, while 20 per cent spoke only Spanish and 20 per cent only Guaraní. The 1992 Constitution granted the status of official language to Guaraní, a language with deep roots in Paraguay. Under the educational reform, Guaraní-speaking children could be educated in that language. The reason why children sometimes did not have access to education was the lack of schools. In recent years, however, schools had been built in Paraguay at the rate of two a day and that rate was still being maintained. It should also be stressed that 20 per cent of the national budget was spent on education. Finally, the forthcoming educational reform provided for Guaraní to be used in higher education as well. She added that there was a scholarship programme for children from very poor families.

22. The representatives of indigenous populations had taken part in drafting the 1992 Constitution and the Government had invested considerable amounts of money to enable the indigenous peoples to continue to live on their traditional lands. The Government was endeavouring to enable those populations to benefit from various public services, and registry offices had been opened on the reservations, principally so that the inhabitants could register the birth of their children. It should also be stressed that the Ministry of Education and Worship supervised the implementation of the educational reform in the indigenous communities and that other vernacular languages such as Nivaclé were used in teaching. Moreover, the Convention had been translated into Guaraní and was used in the educational system.

23. Following a survey showing that there were approximately 26,000 street children, an amount of US$ 20 million had been released for the implementation of projects by civil society - local and regional NGOs - but formulating projects took time in a country like Paraguay where the welfare organizations were not accustomed to being invited to state their needs. Some 13 projects had already been launched and resources were available for funding many others. The objective was to enable the children to leave the streets and re-establish relations with their families.

24. The forced recruitment of children into the army had long been a subject of concern in Paraguay, a country where the armed forces had played a predominant role in the past. As a result of vigorous campaigns conducted by the media and NGOs there were currently hardly any cases of forced recruitment, but she was unaware whether any corrective measures had been taken in that respect. The practice of recruiting children under 17 years of age was difficult to eliminate, moreover, because when heads of family (22 per cent of whom were women) wanted to send a minor child to join the army - requesting the authorization of a magistrate where necessary - they did so on account of economic difficulties, in order to ensure that the child would have decent accommodation and food for at least one year. The revision of the Children's and Young Persons' Code, currently in progress, would lead to a total ban on the recruitment of minors below the required age.

25. Mr. RABAH asked for information on the age of criminal responsibility and whether, in the event of imprisonment, minors were separated from adults, girls from boys, minors in pre-trial detention from convicted minors, and whether they received legal aid.

26. The CHAIRPERSON said she wondered whether the newly established institutions and the appointment of 20 new children's magistrates would really put an end to the violation of the right to a swift trial brought about by the excessive delay in legal proceedings against minors.

27. Mr. GIMENEZ CABRAL (Paraguay) stated that minors in pre-trial detention at the Panchito López Re-education Institute were not separated from convicted offenders. There were in any case very few convicted offenders, but once the extensions had been completed they would be put in separate accommodation. In the regional prisons, minors were separated from adults. Girls were confined in a re-education institute for women, the Casa del Buen Pastor (Home of the Good Shepherd), and in the regional prisons they too were separated from adults. With regard to legal aid, minors received the services of a lawyer. Some of the officially appointed lawyers did not have the resources to work quickly, which was one of the reasons for the delays in proceedings. The entry into force of the new Code of Criminal Procedure should make it possible to remedy the situation through the introduction of a more rapid procedure.

28. Mrs. ORTIZ CARRIZOSA (Paraguay) stressed that the draft Children's and Young Persons' Code was based on the principles of the Convention Accordingly, it envisaged imprisonment for a very limited period as a measure of last resort to back up a series of other measures - in the spirit of the principle of comprehensive protection advocated in the Convention.

29. Mrs. MUÑOZ (Paraguay) said that child prostitution had long been a taboo subject but that a survey carried out by UNICEF on the sexual exploitation of children and adolescents in Asunción and Ciudad del Este had demonstrated the extent of that problem in Paraguay. As yet there was no national policy to combat the problem, but children's magistrates were already taking action in the field and a number of NGOs had offered legal aid and guidance services.

30. The national plan for the prevention of violence against women gave prominence to the protection of female minors who were placed in families as domestic workers, in principle in order to receive an education in exchange for their work. These young servants, cut off from their families, were often subjected to violence, but all complaints concerning such cases had led to action by the juvenile courts and other competent bodies.

31. Mrs. MBOI, commenting that the best interests of the child could only be served through the equal sharing of responsibilities by the parents, asked whether legal provisions and social or cultural programmes had been put in place in order to make men more aware of the need to assume their responsibilities in the family and to adopt responsible sexual behaviour.

32. She asked if the delegation could provide statistics, if appropriate in writing, on nutrition, family planning and especially on sexually transmitted diseases, particularly AIDS. The few data contained in the document submitted concerned the year 1995 and it would be useful to have more recent data, particularly on the HIV seropositivity rate among persons under 18 years of age.

33. Mr. KOLOSOV asked what progress had been made in revising the Children's and Young Persons' Code, in particular whether it was intended to include provisions stating that the deprivation of liberty was a measure of last resort, and what legal and administrative guarantees were envisaged to that end. He also asked for information on the percentage of Guarani-speaking young offenders among the total number of persons in detention.

34. Mrs. MOKHUANE noted with concern that in most cases young girls working in families as domestic servants enjoyed no protection at all. She asked whether any studies had been conducted on the issue of the placement of children in families in order to find out how such children fared.

35. Mrs. OUEDRAOGO drew attention to an apparent contradiction between the age of consent to sexual relations for girls, which according to the report was 14 years, and the age at which a girl could marry, which according to the same report was 20 years. She asked for clarification on the matter.

36. Mrs. MUÑOZ (Paraguay) said that the draft of the new Civil Code contained a whole series of measures aimed at ensuring the sharing of parental responsibility and at encouraging parents to fulfil their nutritional obligations. It was also intended, as part of the legislative reform, to ensure that the forensic physicians in rape cases were women.

37. It was also clear that, in the absence of an urgently needed reform of the civil registry system, it was not possible to produce any statistics or research worthy of the name. With regard to family planning, an area where

access to information and services was henceforth a right, 64 per cent of requests were covered by the current programmes. She drew the Committee's attention to the fact that family planning had met with criticism and opposition from the Catholic Church, which had been separate from the State since the adoption of the new Constitution.

38. Under the national AIDS control programme, which was under the responsibility of the Ministry of Public Health, a monthly record of the pandemic was kept. It had thus been established that the number of women with AIDS was on the increase and that the majority of minors in prostitution were suffering from sexually transmitted diseases, including AIDS.

39. Mr. GIMENEZ CABRAL (Paraguay) said that under the present Civil Code the age of marriage was fixed at 14 years for girls and 16 years for boys, with the parents' consent. If young people wished to marry without their parents' consent, they could do so provided that they remained under the regime of separate property until they came of age. Furthermore, the administration of corporal punishment to pupils by a teacher constituted an offence and there were currently some cases of teachers who had been relieved of their duties and prosecuted for that type of offence.

40. Mrs. ORTIZ CARRIZOSA (Paraguay) added that in the new Civil Code it was envisaged to fix the age of marriage at 14 years for both girls and boys. It should be pointed out that when the new legislation was adopted the judge would be obliged to take the child's opinion into account before ruling in a juvenile delinquency case.

41. Mrs. MUÑOZ (Paraguay) said that no Guaraní children were currently in prison. Moreover, the system whereby middle-class families employed minors from poor families as domestic servants, paying for their studies in exchange for their services, was a kind of partial "adoption" system. The children concerned maintained regular and frequent contacts with their own families. It should also be pointed out that poliomyelitis vaccination coverage was 18 per cent, that infant mortality had been dropping for three years to a current level of 43 per 1,000 live births and that 34 per cent of households had access to drinking water. That last figure was extremely low, but the Paraguayan authorities had set themselves the objective of supplying 100 per cent of households with drinking water by the year 2000.

42. Mr. KOLOSOV said it was his understanding that the next periodic report of Paraguay was to be submitted in 1997 and considered in 1998. In his view the Committee might grant Paraguay one or two additional years so as to make the next discussion more fruitful.

43. Mrs. SARDENBERG said she welcomed the frankness of the Paraguayan delegation and believed that efforts had been made, even if much remained to be done regarding the protection and promotion of the rights of the child. In particular there was a need to strengthen the measures taken to disseminate the Convention and to set up a national programme to assist vulnerable children, particularly minors working as domestic servants in families, who according to certain information were sometimes in an unenviable situation. It was also important that the Paraguayan Government should deposit the instrument ratifying the Hague Convention on Protection of Children and

Cooperation in Respect of Intercountry Adoption and that, in the agreements it concluded on multilateral or bilateral cooperation, it should pay special attention to the rights of the child.

44. The CHAIRPERSON said she agreed with Mr. Kolosov that it would be helpful to defer the presentation of the next periodic report of Paraguay in order to make a better evaluation of the outcome of the commitments undertaken by the Paraguayan authorities. She added that the Committee was still concerned at a number of issues, related in particular to the lack of adequate and reliable statistics, to the coordination of the various institutions, to the registration of births, to violence and sexual exploitation and to the administration of justice for minors. Furthermore, when it considered the next periodic report of Paraguay, the Committee would certainly wish to discuss in greater depth questions related to general principles, to the situation of minorities and indigenous populations, to the situation of young girls, to the distribution of resources and to the situation in rural areas. Finally, there was a particularly urgent need for the Paraguayan authorities to tackle the problem of the deprivation of liberty of minors, which in accordance with article 37 of the Convention should be used only as a measure of last resort.

45. She thanked the Paraguayan delegation for its cooperation and announced that the Committee had completed its consideration of the initial report of Paraguay.

The meeting rose at 6.00 p.m.